



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, JULY 2, 2012
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF COLUMBUS, INDIANA, ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 2012 (FOUNDATION FOR YOUTH OF BARTHOLOMEW COUNTY, INC. PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1997 (GIRLS CLUB/BOYS CLUB FOUNDATION FOR YOUTH OF COLUMBUS, INC. PROJECT), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO." Jeff Logston.
- B. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 8.32 OF THE COLUMBUS CITY CODE, WEEDS." Kelly Benjamin.

III. New Business Requiring Council Action

- A. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, AND REZONING THE SUBJECT PROPERTY BY AMENDING THE ZONING CONDITIONS AT A LOCATION DESIGNATED AS "RMc" (MULTI-FAMILY RESIDENTIAL WITH CONDITIONS)." (Spruce Ridge Rezoning). Jeff Bergman.

- B. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING CHAPTER 2, ARTICLE 20, SECTION .080; POLICE RESERVE OFFICES." Chief Maddix.
- C. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE TO ISSUE CREDIT TO RESIDENTIAL CUSTOMERS OF COLUMBUS CITY UTILITIES FOR SEWAGE USAGE FOR THE MONTH OF MAY 2012." Keith Reeves.
- D. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2012." Chief Thacker.
- E. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO REPEAL CHAPTER 8.20 OF THE COLUMBUS CITY CODE, FIREWORKS." Kelly Benjamin.
- F. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2012." Luann Welmer.
- G. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE AMENDING ORDINANCE NO. 10, 2012 (ORIGINAL ORDINANCE NO. 24, 2011) 2012 SALARY ORDINANCE. Luann Welmer.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
- Recycling
 - Ambulance Service
- C. Next regular meeting is scheduled for Tuesday, **July 17, 2012 at 6:00 o'clock P.M. at City Hall in the Cal Brand Meeting Room.**
- D. Adjournment.



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: June 25, 2012

RE: RZ-12-03 (*Spruce Ridge Rezoning*)

At its June 13, 2012 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 9 in favor and 0 opposed.

Hickory Investors, LLC is requesting that rezoning conditions on approximately 20 acres of property currently zoning RMc (Multi-family Residential with conditions) be removed and replaced with different conditions. The property is located on the north and south sides of Colorado Street, west of Spruce Ridge Drive (Colorado Street intersects Goeller Boulevard in the vicinity of Fire Station #5). The 3 currently applicable rezoning conditions included 2 that addressed the construction of streets necessary to serve the area. These streets have been constructed and the conditions are no longer applicable. The third original rezoning condition limited the use of the property to an assisted living and/or retirement facility. The applicant is asking for all conditions to be removed so that the property is not limited in its use and could be the site of an apartment complex. The applicant has indicated that this property is being considered as the site of an expansion of the adjacent Riverstone apartments.

The Plan Commission included the following replacement conditions as part of its favorable recommendation.

1. A 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the south property line of lot 4A. The plants installed as part of the buffer along that south property line shall consist of 50% medium evergreen trees and 50% large deciduous trees that are native Indiana hardwoods. A fence with the same specifications shall also extend 200 feet north from the south property line along the west property line of lot 4A. The fences shall be installed with the initial construction on lot 4A, shall be completed prior to any use or occupancy of structures on the property, and shall be maintained in perpetuity.
2. Plantings equal to 65 landscape points, as defined by the Zoning Ordinance in effect on June 13, 2012 shall be provided for every 50 linear feet of public street frontage that is within 40 feet of the back and/or side of an apartment building. The plantings shall be located immediately behind the right-of-way of the applicable street frontage and between the applicable building and the street. The 50 linear foot segments shall be measured at the right-of-way line of the affected street and shall be rounded to the nearest 50 feet. The "back" and "side" of the buildings shall be defined as those that do not include primary walk-up entrances.
3. No structure, primary or accessory, shall be located within 200 feet of the south property line of lot 4A.

An adjoining property owner spoke at the Plan Commission meeting to express concerns about light from a future apartment complex affecting their property. Also, the Terrace Lake Lot Owners Association Board sent a letter listing their concerns. The Plan Commission discussed these comments with the applicant and believes that all concerns have been adequately addressed.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the rezoning,
2. The resolution certifying the action of the Plan Commission,
3. A copy of the Plan Commission staff report,
4. A location map,
5. A concept drawing for an apartment complex on a portion of the rezoning area provided by the applicant, and
6. Copies of letters submitted by adjoining property owners.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2012

**AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, AND REZONING THE SUBJECT PROPERTY
BY AMENDING THE ZONING CONDITIONS AT A LOCATION DESIGNATED AS
“RMc” (MULTI-FAMILY RESIDENTIAL WITH CONDITIONS)**

**To be known as the: Spruce Ridge Rezoning
Plan Commission Case No.: RZ-12-03**

WHEREAS, this rezoning was requested by Hickory Investors, LLC and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on June 13, 2012, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Previous Zoning Conditions Removed

The previous conditions of rezoning applied to the following described real estate zoned “RMc” (Multi-family Residential with conditions), which is in the zoning jurisdiction of the City of Columbus, Indiana, are removed.

*Lots 1, 3, and 4A of the Spruce Ridge Major Subdivision Replat Recorded in Plat Book R,
Page 242A in the Office of the Recorder of Bartholomew County, Indiana.*

SECTION 2: Condition(s)

The subject property shall be subject to the following replacement conditions:

1. A 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the south property line of lot 4A. The plants installed as part of the buffer along that south property line shall consist of 50% medium evergreen trees and 50% large deciduous trees that are native Indiana hardwoods. A fence with the same specifications shall also extend 200 feet north from the south property line along the west property line of lot 4A. The fences shall be installed with the initial construction on lot 4A, shall be completed prior to any use or occupancy of structures on the property, and shall be maintained in perpetuity.
2. Plantings equal to 65 landscape points, as defined by the Zoning Ordinance in effect on June 13, 2012 shall be provided for every 50 linear feet of public street frontage that is within 40 feet of the back and/or side of an apartment building. The plantings shall be located immediately behind the right-of-way of the applicable street frontage and between the applicable building and the street. The 50 linear foot segments shall be measured at the right-of-way line of the affected street and shall be rounded to the nearest 50 feet. The “back” and “side” of the buildings shall be defined as those that do not include primary walk-up entrances.

3. No structure, primary or accessory, shall be located with 200 feet of the south property line of lot 4A.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-12-03

of the City of Columbus, Indiana Plan Commission

regarding

Case number RZ-12-03

(Spruce Ridge Rezoning),

a proposal to amend the zoning conditions of +/-20.36 acres of property designated as RMc (Multi-family Residential with conditions)

WHEREAS, the Plan Commission has received the application referenced above from Hickory Investors, LLC; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on June 13, 2012, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The amending of the rezoning conditions on the property subject to the application (approximately 20.36 acres located on both the north and south sides of Colorado Street between Goeller Boulevard and Spruce Ridge Drive) to remove all previous conditions is forwarded to the Common Council with a favorable recommendation, subject to following replacement conditions.
 - a) A 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the south property line of lot 4A. The plants installed as part of the buffer along that south property line shall consist of 50% medium evergreen trees and 50% large deciduous trees that are native Indiana hardwoods. A fence with the same specifications shall also extend 200 feet north from the south property line along the west property line of lot 4A. The fences shall be installed with the initial construction on lot 4A, shall be completed prior to any use or occupancy of structures on the property, and shall be maintained in perpetuity.
 - b) Plantings equal to 65 landscape points, as defined by the Zoning Ordinance in effect on June 13, 2012 shall be provided for every 50 linear feet of public street frontage that is within 40 feet of the back and/or side of an apartment building. The plantings shall be located immediately behind the right-of-way of the applicable street frontage and between the applicable building and the street. The 50 linear foot segments shall be measured at the right-of-way line of the affected street and shall be rounded to the nearest 50 feet. The "back" and "side" of the buildings shall be defined as those that do not include primary walk-up entrances.

- c) No structure, primary or accessory, shall be located with 200 feet of the south property line of lot 4A.
- 3) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF, JUNE 2012 BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED.

Roger Lang, President

ATTEST:



David L. Hayward, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (May 9, 2012 Meeting)

Docket No. / Project Title: RZ-12-03 (Hickory Investors Rezoning)
Staff: Melissa Begley
Applicant: Hickory Investors, LLC
Property Size: 20.36 Acres
Current Zoning: RMc (Residential: Multi-Family with conditions)
Proposed Zoning: RM (Residential: Multi-Family)
Location: Lots 1, 3 and 4A of Spruce Ridge Major Subdivision, located on the north and south sides of Colorado Street between Spruce Ridge Drive and Goeller Boulevard, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed rezoning on lots 1, 3 and 4A of Spruce Ridge Major Subdivision is for the purpose of removing the 3 conditions on the property, one of which would limit the development of the property to assisted living and/or retirement facility.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: The zoning on these properties limited development to an assisted living and/or a retirement facility. It is appropriate to remove the 3 conditions on the property? Should the comments from the Terrace Lake Lot Owners Association be added as conditions to the rezoning?

Preliminary Staff Recommendation:

Favorable recommendation to the City Council. The recommendation should be subject to the following conditions:

1. A 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the site's entire south property line.
2. 65 landscape points shall be provided for every 50 linear feet along any street frontage that will be met by the back or side of an apartment building.
3. Plants installed as a part of the required buffers shall consist of 50% medium evergreen trees and 50% large deciduous trees that are Indiana hardwood natives.
4. No accessory structures shall be installed within 200 feet of the southern property line.

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The rezoning is supported by the Comprehensive Plan. The Plan encourages development where the City's infrastructure and services have the capacity to accommodate the growth, a mix of housing types, and development adjacent to existing development. In addition, the Plan designates this location as residential.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The subject property is located in an area with both single-family and multi-family residential development and has a suburban character with abundant open space and large setbacks.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The site is well suited for multi-family. Utilities are present on the site and it is within 1,500 feet of a variety of service and retail uses, including offices, shopping centers, gas stations, and restaurants. The close proximity of multi-family provides an excellent opportunity for residents to walk or bike to these services rather than traveling by car and in turn provides the businesses a source of nearby and steady customers.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: Rezoning the property to multi-family residential should not be expected to negatively impact property values throughout the jurisdiction. The site is buffered from the single family residential by the topography and vegetation on the site. In addition the site has separate road access from the single family residences. Removing the condition for senior housing does not change the overall density of the site, but only changes the age range of the residents.

Responsible growth and development.

Preliminary Staff Comments: The rezoning represents responsible growth and development. Streets have been constructed to serve the development, and there are adequate utilities available. There are commercial services in the area to support the type of development proposed. Furthermore, the rezoning will encourage development for an infill site and will result in a greater mix of housing types in this area.

Current Property Information:	
Land Use:	The property is currently vacant land.
Site Features:	The site has been disturbed and a detention pond has been constructed on the site.
Flood Hazards:	No flood hazards exist on the property.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None.
Vehicle Access:	Colorado Street (local, residential, suburban), Spruce Ridge Drive (local, residential, suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS3 (Residential: Single Family)	Single Family Residential
South:	RS2 (Residential: Single Family)	Terrace Lake Subdivision (Single Family Residential)
East:	RM (Residential: Multi-Family)	River Stone Apartments (Multi-Family Residential)
West:	RS3 (Residential: Single Family)	Single Family Residential

	Proposed Zoning: RM
Zoning District Intent:	This district is intended to provide areas for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums, in areas with compatible infrastructure and services.

Permitted Uses:	<ul style="list-style-type: none"> • Multi-Family Dwellings • Two-Family Dwelling • Nursing Home / Assisted Living Facility • Retirement Facility • Nature Preserve / Conservation Area
Water and Sewer Service:	Required
Lot and/or Density Requirements:	The maximum gross density is 25 dwelling units per acre.
Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	Side Yard Setback: 5 feet for a two-family dwelling 10 feet for a multi-family dwelling Rear Yard Setback: 10 feet Front Yard Setback: 25 feet Because a Buffer Yard Type B would be required along the south and west property lines of Lot 4 and the north property lines of Lot 1 and 3 an additional setback of 15 feet is required in addition to the minimum setback.

Height Restrictions:	Primary Structure: 50 feet Accessory Structure: 25 feet
Floor Area Requirements:	The minimum living area is 1,000 square feet for a two-family dwelling and 650 square feet for a multi-family dwelling.
Signs:	Two development entry signs are permitted per entrance. Each sign cannot exceed 32 square feet and 6 feet in height.

Interdepartmental Review:	
City Engineering:	<p>Under existing zoning conditions for senior adult housing, 136 dwelling units on Lot 4A could generate approximately 15 vehicle trips entering and leaving the site during a weekday afternoon peak hour.</p> <p>If the site is developed without conditions, 136 apartment dwelling units could generate approximately 91 vehicle trips entering and leaving the site during a weekday afternoon peak hour.</p> <p>Afternoon peak hour trip numbers tend to be higher than the morning peak hour. And the peak hour for a site typically coincides with the peak hour for adjacent streets.</p> <p>(ref. I.T.E. Trip Generation: page 310, Code 220 Apartments; page 465, Code 252 Senior Adult Housing)</p>
INDOT	The additional traffic generated from the new apartments could warrant a traffic signal at the intersection of Two Mile House Road and State Road 46, however there are several challenges and concerns that are created with a signal. The first is the close proximity to the signal at Goeller Road that could cause back-ups on west bound SR 46. The second is the abundance of drives off of SR 46 creating additional conflicts to a new intersection. The third is an alignment change that would need to occur directly across from Two Mile House Road in order to create a safe intersection and finally although most people believe a signal would create a safer intersection, in actuality it would create a greater number of accidents as people fail to pay attention to the red lights.
City Utilities:	No Comments.
Parks Department:	No Comments.
MPO:	No Comments.

History of this Location:

The relevant history of this property includes the following:

1. This property is part of earlier proposals, including a 65 lot residential subdivision which was withdrawn (PP-06-03), and a 73 lot residential subdivision (PP-06-05) which was approved by the Plan Commission, but later voided by an administrative plat (AD-07-13).
2. The preliminary plat for this 4-lot subdivision named Spruce Ridge was approved by the Plan Commission on February 6, 2008 (PP-08-01). The final plat was recorded on August 26, 2008 (FP-08-05).
3. The east part of Lot 4 of Spruce Ridge was rezoned by the City Council on January 20, 2009 (RZ-08-14), from RS3 (Single Family Residential) to RMc (Multi-family Residential with conditions). The condition included: : A 100% opaque, 6 foot tall wood fence shall be included as part of the required buffer along the site's entire south property line.
4. On April 1, 2009 Lots 1, 3 and 4A were rezoned from RS3 (Residential: Single Family) to RMc (Residential: Multi-Family) (RZ-09-05). Lot 2 was not included in the rezoning application and remains RS3. The conditions include: (1) Right-of-way for the potential future expansion of Spruce Ridge Drive shall be platted to the south end of lot 4 of the Spruce Ridge Major Subdivision prior to any development on any property subject to this rezoning. (2) Construction shall be completed for the intersection of Colorado Drive with Goeller Court, and for the complete length of Spruce Ridge Drive (as currently platted per FP-08-05) prior to any development on any property subject to this rezoning. (3) The use of the area subject to the rezoning shall be limited to an assisted living and/or retirement facility (including related single-family homes and duplexes).

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY D-1-1:** Promote orderly housing expansion in locations where the city's infrastructure and services have the capacity to accommodate the growth.
2. **POLICY D-2-2:** Allow for various housing types. *A diverse population needs diverse housing. The city should encourage a variety of housing types, including single-family detached houses, townhouses, and apartments.*

This property is located in the Western Hills character area. The following Planning Principle(s) apply to this application:

1. Ensure that new development takes place in a manner that preserves natural features such as topography and wooded areas. Clustering should be encouraged.
2. Encourage all development to be linked to bicycle and pedestrian systems.
3. Encourage a better mix of housing prices.
4. Plan for new parks and open space areas to accommodate a growing population.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The areas included in the proposed rezoning are Lot 1, 3 and 4A in the Spruce Ridge Subdivision.
2. The conditions from the previous rezoning (RZ-09-05) are as follows:
 - 1) Right-of-way for the potential future expansion of Spruce Ridge Drive shall be platted to the south end of lot 4 of the Spruce Ridge Major Subdivision prior to any development on any property subject to this rezoning. *This was completed on December 10, 2010 (FP-10-01).*
 - 2) Construction shall be completed for the intersection of Colorado Drive with Goeller Court, and for the complete length of Spruce Ridge Drive (as currently platted per FP-08-05) prior to any development on any property subject to this rezoning. *Public Improvement Acceptance was given to Colorado Drive on July 21, 2009. Public Improvement Acceptance was given to the extension of Spruce Ridge Drive on July 20, 2011.*
 - 3) The use of the area subject to the rezoning shall be limited to an assisted living and/or retirement facility (including related single-family homes and duplexes).

3. The existing River Stone Apartment complex has a total of 425 dwelling units. According to the applicant, the proposed expansion on lot 4A will have approximately 136 dwelling units.
4. The maximum density in the RM zoning district is 25 dwelling units per acre. Because lot 4A consists of 12.72 acres, a maximum of 318 dwelling units could be built. If lot 1 and 3 are also developed for multi-family residential, they could have maximum of 192 units.
5. A letter was submitted by the petitioner from the Executive Board of the Terrace Lake Lot Owners Association in response to an initial meeting regarding the development of Lot 4A. The petitioner has modified the site drawing on Lot 4A to address the concerns of the TLLOA as noted in the letter. There concerns were as follows:
 - Every member is opposed to the development of a picnic, shelter and walking trail at the south end of the lake, which would invite activities much too close to the property line. With the nearby drainage ditch, spillway and dam it invites trespassing. We all agree that a more practical and desirable place for picnicking and grilling is with the proposed playground area on the north side of Colorado.
 - Every member agrees that the fence should come to the corner of the property line, with no screening or fencing on TLLOA property. We do not object if you turn the corner and fence the Pettit property.
 - Screening with pines (possibly Thuja) is acceptable. A second layer of Indiana hardwoods is also desired to help replace the visual break that the original tree line divide provided.
 - We ask that you try to keep the exterior lighting to a minimum so that the lights do not shine into our living room windows and appreciate the effort made after our February meeting to minimize that effect through the use of shields and down lighting.
6. The site has two primary access routes. The first is State Road 46 via Two Mile House Road. The intersection of Two Mile House Road and State Road 46 does not currently have a traffic signal. The second access point is Colorado Street to Goeller Boulevard to State Road 46. There is no traffic signal at the intersection of Colorado Street and Goeller Boulevard, however there is a signal at Goeller Boulevard and State Road 46.
7. If the proposed rezoning is approved, a Buffer Yard Type B will be required along the south and west property lines of Lot 4A at the time of development. A Buffer Yard Type B would be required along the northern property lines of Lots 1 and 3. A Buffer Yard Type B is a densely planted buffer, which need not be opaque for its entire length. The buffer includes a 15 foot setback in addition to the minimum setback otherwise required.
8. The nearest commercial goods and services are located approximately 1,500 feet south of the subject property, along Two Mile House Road. These goods and services include restaurants and retail spaces.
9. Children living in the proposed apartments would attend Southside Elementary School, Central Middle School, and North High School.
10. ColumBus Transit Services are not available near the subject property.
11. The nearest park is Harrison Ridge and is approximately .8 miles from the subject property. The people trail is located approximately .4 miles from the subject property.
12. Other multi-family apartment complexes in Columbus average 11 acres in size. River Stone Apartments are currently 31 acres in size making it the largest apartment complex in Columbus. If Lots 1, 3, and 4A are developed as multi-family, the entire complex would be 51.22 acres in size. The second largest apartment complex is Quail Run at 21 acres in size.

Location & Surrounding Zoning





SITE DATA TABLE

SITE ZONING	R - V
PROJECT AREA	12.72 ± ACRES
BUILDING AREA	175 ± ACRES
PAVEMENT AREA	2.32 ± ACRES
OPEN SPACE	6.58 ± ACRES
HARD SPACE	3.72 ± ACRES
PARKING INFORMATION:	
ACCESSIBLE PARKING (6'x20') TYP.	0 SPACES (0)
ADDITIONAL PARKING (9'x20') TYP.	152 SPACES (0)
GARAGE PARKING	60 SPACES (0)
PARKING OUTSIDE GARAGES	(60) SPACES (0)
DETACHED PARKING GARAGES	0 SPACES (0)
TOTAL PARKING	252 SPACES (0)
REQUIRED LANDSCAPE AREA	
PROVIDED LANDSCAPE AREA	

* - PARKING SPACES THAT DO NOT COUNT TOWARD PARKING

SECTION	AREA	PERCENT	# OF UNITS	UNIT TYPE	# OF RICES	# OF RICES PER 600 SF	PERCENT
C	21,242 SF	22 = (44)			2	3	30 = 5
D	6,730 SF	22 = (44)			2	3	30 = 5
E	16,708 SF	16 = (32)			2	3	30 = 5
F	12,232 SF	16 = (32)			1	3	37 = 5
TOTAL	56,912 SF	7	(136)		3	1	11 = 7

DLDS
DEBOY LAND DEVELOPMENT SERVICES
Designers-Engineers-Surveyors
501 S. 9th Street, Suite 100, Noblesville, IN 46060
Phone: 317.770.1801 Fax: 317.770.1821
PREPARED BY:

RIVER STONE APARTMENT HOMES - PHASE 3 - AREA A



RIVER STONE
APARTMENT HOMES
COLUMBUS, INDIANA

PREPARED FOR:



March 14, 2012

Dear Jeff,

The Executive Board of TLLOA, Inc., after having met with you on March 14, has discussed the proposed 3rd phase of Riverstone Development as presented by you.

We appreciate your willingness to include the Association in the development of your plans.

Listed below are our concerns:

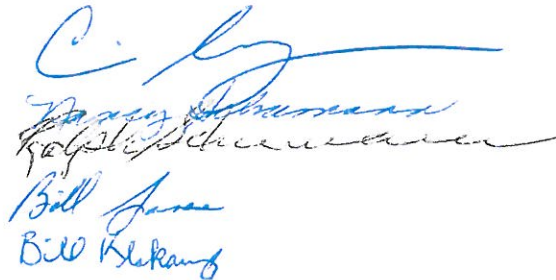
1. Every member is opposed to the development of a picnic, shelter and walking trail at the south end of your lake, which would invite activities much too close to the property line. With the nearby drainage ditch, spillway and dam it invites trespassing. Personal injury claims are a concern when people attempt to cross the ditch and the fence. We all agree that a more practical and desirable place for picnicking and grilling is with the proposed playground area on the north side of Colorado.
2. Every member agrees that the fence should come to the corner of the property line, with no screening or fencing on TLLOA property. We do not object if you turn the corner and fence the Pettit property.
3. Screening with pines (possibly Thujas) is acceptable. A second layer of Indiana hardwoods is also desired to help replace the visual break that the original tree line divide provided.
4. We ask that you try to keep the exterior lighting at a minimum so that lights do not shine into our living room windows and appreciate the effort made after our February meeting to minimize that effect through the use of shields and down lighting.

We do appreciate being kept informed and look forward to hearing from you soon.

Regards,

Board of Directors, Terrace Lake Lot Owners Association, Inc.

Daryl Gressel
Chris Sanger
Sharon Baldwin
Nancy Schumann
Ralph Schumann
Bill Sasse
Bill Klakamp



The block contains five handwritten signatures in blue ink, corresponding to the names listed to the left. The signatures are: a large signature for Daryl Gressel, a signature for Chris Sanger, a signature for Sharon Baldwin, a signature for Nancy Schumann, and a signature for Ralph Schumann. Below these, there are two more signatures: one for Bill Sasse and one for Bill Klakamp.

Ordinance No. _____, 2012

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,
INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING
CHAPTER 2, ARTICLE 20, SECTION .080; POLICE RESERVE OFFICERS

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 36-1-5-4 grants to the City of Columbus, Indiana, powers that are necessary to incorporate by reference into an ordinance or code any material, to wit: Columbus Police Department General Order 16, Allocation and Distribution of Personnel and Personnel Alternatives; and

WHEREAS, Indiana Code 36-8-3-20 *et. seq.* authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing the position for any number of police reserve officers; and

WHEREAS, the Chief of Police of the Columbus Police Department recognizes the need for police reserve officers to better provide law enforcement services to the citizens of the City of Columbus and to assist with the manpower shortages within the Columbus Police Department.

WHEREAS, it is the desire of the Common Council to assure sufficient manpower within the Columbus Police Department to provide the citizens of the City of Columbus with appropriate and sufficient services by the Columbus Police Department.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 20 of the Columbus City Code is hereby amended to read as follows:

Chapter 2.20
POLICE DEPARTMENT

2.20.080 Police Reserve Officers

The Chief of Police of the Columbus police department is authorized to provide for any number of police reserve officers. Police reserve officers shall be regulated by General Order(s) of the Columbus Police Department, which shall remain in compliance with State law.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this _____ day of _____, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock, ____m

Luann Welmer
Clerk Treasurer City of Columbus

Having examined the forgoing ordinance, I do now, as Mayor of the City of Columbus, Indiana, approve said ordinance and return the same to the Clerk-Treasurer this _____ day of _____, 2012 at _____ p.m.

Kristen Brown
Mayor, City of Columbus, Indiana



COLUMBUS CITY UTILITIES

1111 McClure Road
P.O. Box 1987
Columbus, IN 47202-1987

812-372-8861
812-376-2427 FAX
www.columbusutilities.org

June 22, 2012

To: Mayor Brown and
The members of the
Columbus City Council

From: Keith Reeves
Director

RE: One time extension of the
Summer Sewer Allowance

The Columbus City Utilities is presenting an ordinance for the City Council's consideration that would allow for a one-time credit to residential customers who experienced greater sewer charges due to lawn sprinkling activities during the month of May 2012.

The City has had an ordinance in effect since 1979 and that provides that sewer charges for the months of June, July and August are based upon the average water usage for the months of February, March and April. This was amended in 1983 to include the month of September. The CCU has for many years notified customers on their bills when this period begins and when it ends. What we have not done in the past has been to remind customers prior to beginning of the allowance period that it has not yet started.

This year, the month of May was abnormally dry. There was no recordable precipitation at the airport monitoring for the entire month. Homeowners understandably began to water their lawns, flowerbeds and gardens. When the utility bills began to arrive, there was considerable concern that was voiced to the Department.

The Utility Service Board discussed these concerns at its regular meeting on June 20, 2012 and in the end, concluded that it was appropriate, due to the unusual nature of May's weather to ask the Columbus City Council to authorize the Department to make a one-time credit to residential customers because of the unusual dry weather.

To minimize future concerns the CCU is going to "up its game" regarding communicating the limitations of the summer sewer allowance and the alternatives that are available to customers. In particular, we are going to increase the use of informational bill stuffers to better explain the program to customers and we plan to make greater efforts to promote the use of irrigation accounts in which separate water meters are installed that are billed for their water use only.

Ordinance No. 2012 - _____

**ORDINANCE TO ISSUE CREDIT TO
RESIDENTIAL CUSTOMERS OF
COLUMBUS CITY UTILITIES
FOR SEWAGE USAGE FOR THE MONTH OF MAY 2012.**

WHEREAS, the voters of the City Columbus on the 8th day of November, 1960, by a majority, voted to create and establish a Utility Service Board; and

WHEREAS, the Common Council of the City Columbus did by way of Ordinance Number 1861, 1961 create subsequent thereto and consistent with the Indiana Statute a Utility Service Board to operate and manage utilities owned by the City of Columbus, all enacted January 16, 1961; and

WHEREAS, the Common Council of the City of Columbus establishes the sewer rates for the City of Columbus, as set forth by the requisite Indiana code; and

WHEREAS, on May 15, 1979 the Common Council of the City of Columbus adopted Ordinance Number 2756 which establish, among other things, a reduced rate for sewage services for single-family domestic and residential users who sprinkled their lawns during the summer months of June, July and August; and

WHEREAS, on March 17, 1983 by way of Ordinance Number 3080, 1983, the Utility Service Board recommended to, and the Common Council of the City Columbus enacted a modification to the above Ordinance which expanded the sprinkling allowance for single-family domestic and residential users of sewage services to include the month of September of each calendar year; and

WHEREAS, the Common Council takes notice that the month of May 2012 was an exceptionally dry month and was also a month with warmer than normal temperatures, all of which resulted in users of City utility services commencing lawn sprinkling a month earlier than normal; and

WHEREAS, Columbus City Utilities commenced, as part of their normal and routine business practice, sending monthly invoices for water and sewage services to residential and domestic consumers for the month of May 2012; and

WHEREAS, many consumers were surprised that they received a significant increase in their water and sewage bill, all due to the commencement of lawn sprinkling, shrubbery and garden watering due to the unusually dry weather for the month of May 2012; and

WHEREAS, Columbus City Utilities and the Utility Service Board have received an inordinate number of complaints and inquiries from consumers questioning why they received such an large increase in their water and sewer bills for their May billing; and

WHEREAS, the Utility Service Board recognizes that the month of May 2012 was an exceptionally dry month with above normal temperatures and the Utility Service Board has recommended to the Common Council of the City of Columbus that the lawn sprinkling rate should be extended to include the month of May 2012; and

WHEREAS, the Utility Service Board for Columbus City Utilities has determined that it has received additional revenue for the month of May 2012 just from residential and domestic consumer invoices; and

WHEREAS, the Columbus City Utilities has recommended the issuance of a credit to all residential and domestic consumers and acknowledges that issuance of same would reduce revenues Columbus City utilities.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS INDIANA:

1. This body recognizes and takes notice of the unusually dry month of May 2012 along with the unusually higher than normal temperatures.

2. Further, the residential users of sewage services of the Columbus City Utilities have incurred an increase in their sewage bill for the month of May 2012 because of the consumers' desire to commence early sprinkling and watering of lawn, shrubs and flowers.

3. That it is in the best interest of residential users of the services of Columbus City Utilities that they should receive an adjustment and a credit on their May 2012 billing which has penalized them for early lawn sprinkling.

4. The Utility Service Board of Columbus City utilities is hereby directed to re-compute the bills for residential users of sewage services for the month of May 2012 such that said consumers will receive an adjustment by way of a credit on their bill by using the computational method under Ordinance Number 3080, 1983 and issue a credit where applicable to all residential users of sewage services.

5. For the purpose of this ordinance usage during the month is defined as usage measured through a customer's residential water meter from its regular scheduled reading any time within the previous month and compared to its regularly scheduled reading taken any time in the subject month.

Adopted by the Common Council of the City of Columbus Indiana on this _____ day of _____, 2012 by a vote of ____ ayes and ____ nays.

Presiding Officer of The
Common Council of the City of Columbus

ATTEST:

Clerk,
The Common Council of the City of Columbus Indiana

Presented by me to the Mayor of the City of Columbus Indiana, this _____ day of _____, 2012 at _____ o'clock __.m.

Clerk Treasurer

Approved and signed by me this _____ day of _____, 2012 at ____ o'clock __.m.

Mayor, City of Columbus, Indiana

ORDINANCE NO. __, 2012

**AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION
OF FUNDS FOR THE BUDGET YEAR 2012**

WHEREAS, the Indiana General Assembly has adopted a policy to grant local units of government all powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, it is desire of the Mayor to address the City Fire Department's need to repair the roof on Fire Station 1 and Fire Station 5 and to purchase firefighter turn out gear; and

WHEREAS, it is necessary to appropriate additional funds from the Cumulative Capital Fire Fund in the amount of \$348,000.00 for the cost of the roof repairs at Fire Station 1 and Fire Station 5 and to purchase firefighter turn out gear; and

WHEREAS, there are additional funds in the amount of \$348,000.00 available for these purposes and these funds must be appropriated for these purposes before they can be spent.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, that the funds in the amount of Three Hundred Forty Eight Thousand Dollars (\$348,000.00) shall be paid during the 2012 budget year and the same is hereby appropriated and ordered to be paid from the Cumulative Capital Fire Fund for the City of Columbus, Indiana and for the purposes of repairing the roof on Fire Station 1 and Fire Station 5 and to purchase firefighter turn out gear.

BE IT FURTHER ORDAINED, that the above additional appropriations shall be effective as of the date of adoption of this Ordinance.

BE IT FURTHER ORDAINED, that the Clerk Treasurer and the Mayor be and are hereby authorized and empowered and directed to take any and all further actions necessary to effect this additional appropriation.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this ____ day of _____, 2012 at _____ o'clock P.M. by a vote of ____ ayes and ____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at
_____ o'clock P.M.

Kristen Brown
Mayor, City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO REPEAL CHAPTER 8.20 OF THE COLUMBUS CITY CODE, FIREWORKS**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, the City adopted Chapter 8.20 of the Columbus City Code, over 20 years ago, banning the use of most fireworks; and

WHEREAS, in 2006 Indiana Code 22-11-14, Regulation of Fireworks by Fire Marshall, was enacted providing regulations including, but limited to, the purchase, sale of, and use of fireworks; and

WHEREAS, in 2007 Indiana Code 22-14-14 was amended to specify when a municipal ordinance may limit the use of fireworks; and

WHEREAS, Chapter 8.20 of the Columbus City Code, Fireworks, is in violation of Indiana Code 22-11-14-10.5 enacted in 2007, by limiting the use of consumer fireworks more than allowable under the current state statute; and

WHEREAS, it is the desire of the Common Council to repeal the Fireworks Ordinance under Chapter 8.20 of the Columbus City Code and comply with and adhere to Indiana Code 22-11-14, Regulation of Fireworks by Fire Marshall.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 8, Article 20 of the Columbus City Code, Fireworks, is hereby repealed.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. The repeal of the Fireworks Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the ____ day of July, 2012, by a vote of ____ ayes and ____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this ____ day of ____, 2012 at ____ o'clock ____ .m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of ____, 2012 at ____ o'clock ____ .m.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION
OF FUNDS FOR THE BUDGET YEAR 2012**

WHEREAS, the Indiana General Assembly, has adopted a policy to grant local units of government all powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, the Clerk Treasurer, in structuring her administration desires to reorganize the duties of the Chief Deputy Clerk Treasurer position; and

WHEREAS, it is necessary to appropriate additional funds from the General fund as follows:

1000 Clerk Treasurer Personal Services	\$5,978.00
--	------------

WHEREAS, there are additional funds in the amount of \$5,978.00 available for this purpose and these funds must be appropriated for the purpose before they can be spent;

NOW THEREFORE BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA that the funds in the amount of Five Thousand Nine Hundred Seventy Eight Dollars (\$5,978) and shall be paid for during the 2012 budget year and the same is hereby appropriated and ordered to be paid from the General Fund for the City of Columbus, Indiana and for the purposes herein specified to the laws governing the same:

1000 Clerk Treasurer Personal Services	\$5,978.00
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This Ordinance shall be in full force and effect from and after its passage and approval according to the laws of the State of Indiana.

ADOPTED, by the Common Council of the City of Indiana, this _____ day of _____, 2012 at _____ o'clock P.M. by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of
_____, 2012 at _____ o'clock P.M.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

AN ORDINANCE AMENDING ORDINANCE NO. 10, 2012
(ORIGINAL ORDINANCE NO. 24, 2011)
2012 SALARY ORDINANCE

WHEREAS, pursuant to the powers granted to the City of Columbus, Indiana, by virtue of Indiana Code 36-1-3-1 et. Seq., "Home Rule", the City of Columbus, Indiana has been accorded all powers necessary for the effective operations of government as to local affairs; and

WHEREAS, the Clerk Treasurer, in structuring her administration desires to reorganize the duties of the Chief Deputy Clerk Treasurer position; and

WHEREAS, in comparison with the pay scale of other Chief Deputy positions it was concluded that Chief Deputy Clerk Treasurer position was much lower than other Chief Deputy positions within the City; and

WHEREAS, it seems proper to compensate this employee in a manner according to job responsibilities and in comparison with other Chief Deputy positions.

NOW THEREFORE BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA as follows, to wit:

That the 2012 Salary Ordinance shall be altered in the following manner:

Section I – SALARIED

CLERK-TREASURER

Chief Deputy Clerk Treasurer \$37,049 - \$52,928

This Ordinance shall be in full force and effect from and after its passage and approval according to the laws of the State of Indiana.

ADOPTED, by the Common Council of the City of Indiana, this
_____ day of _____, 2012 at _____ o'clock P.M. by a vote of
_____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of
_____, 2012 at _____ o'clock P.M.

Kristen Brown
Mayor of the City of Columbus, Indiana